

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10774 of 2004

Between:

Mutyala Giri, S/o. Eswaraiah,

R/o. Mutyala Thopu Village, Thotapalli Gudur Mandal, Nellore District.

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PETITIONER

AND

1 Deputy Transport Commissioner & Regional Transport Officer,
Nellore, Nellore District.

2 Motor Vehicles Inspector, Nellore, Nellore District.

3 Station House Officer, Kovur Rural Police Station, Kovur, Nellore
District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents in seizing and detaining the petitioner's Light Motor Vehicle- (Small Van) bearing Registration No. AP. 26/E.414, pursuant to the Vehicle Check Report No. 2174390, dated 21-05-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner, forthwith and pass such other and further orders as are necessary.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondents.: GP FOR TRANSPORT

The Court Made the Following :

Order:

At the request of the learned counsel appearing on both sides, the matter is taken up for hearing and disposal.

The petitioner's vehicle bearing registration No. AP-26-E-414 was seized by the second respondent under check report No.2174390 dated:21-5-2004 for not having valid documents and the said vehicle was kept at the Kovur Police Station, Nellore District.

Whether the petitioner violated the provisions of the Motor Vehicles' Act and whether the vehicle was not having valid documents or not has to be decided in the enquiry to be conducted by the concerned authority. If the vehicle is exposed to sun and rain, it will be damaged. Therefore a direction can be given for interim custody of the vehicle to the petitioner on certain conditions.

In the result, the writ petition is disposed of directing the first respondent to grant interim custody of the vehicle in question to the petitioner on his depositing a sum of Rs.5,000.00 (Rs. Five thousand only) with the following conditions.

- i) that the vehicle in question shall not be alienated or transferred to any other person;
- ii) that the vehicle shall be produced as and when required by the concerned authority;
- iii) that the amount deposited shall be adjusted, if the authority found that the petitioner violated the provisions of the Motor Vehicles Act and Rules framed there under; and
- iv) in the circumstances no costs.

K.C.BHANU, J.

29—6—2004

BVS

Note: Furnish CC in two days.

(BO) BVS.

To

- 1 Deputy Transport Commissioner & Regional Transport Officer, Nellore, Nellore District.
- 2 Motor Vehicles Inspector, Nellore, Nellore District.
- 3 Station House Officer, Kovur Rural Police Station, Kovur, Nellore District.
4. .2CCs to GP for Transport, High Court Buildings, Hyd. (OUT)
- 5..2CD copies